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TAGS: [PREL](#) [PGOV](#) [PTER](#) [MOPS](#) [PK](#) [IN](#)

SUBJECT: INDIAN FOREIGN MINISTER TELLS DEPUTY SECRETARY:
INDIA EAGER TO SEE POSITIVE RESPONSE FROM PAKISTAN

Classified By: AMB David C. Mulford. Reasons: 1.4(B, D).

¶1. (C) Summary. In a December 12 meeting between Deputy Secretary Negroponte and Indian Foreign Minister Mukherjee, the Deputy Secretary provided Mukherjee with a readout of his meetings with Pakistani officials and urged India to consider the Pakistani proposal to send a high-level delegation led by Foreign Minister Qureshi to cooperate in the investigation. Foreign Minister Mukherjee said he is willing to provide positive signals from India for cooperation in investigating the Mumbai attacks, however the essential element at this point was getting the Pakistani government to take concrete actions against individuals based in Pakistan. Mukherjee also stressed that Pakistan's action in detaining suspected terrorists appeared to be undertaken solely on political grounds, was not a legal prosecution, and that Pakistan should provide the suspects to India for prosecution.

----- Urging India to consider accepting Pakistani delegation -----

¶2. (S) The Deputy Secretary told External Affairs Minister Pranab Mukherjee that in his meetings with Pakistani officials on December 11 he had been told of several steps the Pakistanis had taken, including the arrest of at least two operatives directly involved in the Mumbai operation. However, whether these steps were truly reflective of the Pakistani government's intention to try to get to the bottom of investigating the attack remained to be seen, the Deputy Secretary stated. He noted that Pakistan had lifted its hold on the proposal to list several LeT members and JUD on the 1267 Committee designation list, which could be helpful in providing a political cover for taking action against the LeT and JUD. The Deputy Secretary urged Mukherjee to positively consider the Pakistani offer to send a high level delegation to India to conduct a joint investigation, including officials from ISI, the Home Ministry and Pakistani police organizations. Foreign Minister Qureshi had offered to lead the delegation, Deputy Secretary Negroponte clarified.

----- An attempt to harm India's rising economic power -----

¶3. (S) Without specifically addressing whether India would receive the proposed Pakistani delegation, Minister Mukherjee described the outrage Indians feel over the terrorist attacks

and pointed out that the December 11 parliament session demonstrated the solidarity of Indian politicians in responding to the attacks. Mukherjee emphasized that the November 26 attack was not an isolated incident, and suggested it was the latest in a series of attacks aimed at harming the Indian economy. He listed other major attacks in India in 2008 and their economic impact: Jaipur, a tourist center for Indians and foreigners; Ahmedabad, India's most important textile center; Bangalore, the hub of India's science and defense research, with a large number of foreign students; Delhi, the seat of government; and now Mumbai, India's financial and commercial center. Some people would believe all these attacks were unconnected, Mukherjee argued, but he believed they were designed to spread terror and fear in an effort to slow down India's economy. He added that the Mumbai attack was meticulously planned, noting that most Indians -- himself included -- were not even aware that Nariman House was a Jewish center. "These attacks were designed to harm India's growing economic power and to create a panic, with mid- and long-term consequences," he said. In terms of giving the Pakistani government a positive signal, Mukherjee said that he is willing to send signals, but worries that such outreach could build expectations in the Indian public. More important than Indian signals, he said, was concrete Pakistani action.

----- India needs to see action, and not a repeat of past token responses -----

14. (S) Mukherjee related what he had told Foreign Minister

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Qureshi: that Pakistani assurances and words must be backed by action at this time. India has a history of seeing international interest in terrorism pique in the region, followed by token Pakistani actions, ultimately ending in inaction. He provided several examples, including the dismantling of some terrorist camps following the 2001 attack on the Indian parliament, and previous "arrests" of Dawood Ibrahim and Masood Azhar, which were followed by appearances on Pakistani television or in public with obvious refuge provided by the Pakistani government. Additionally, in 2004 President Musharraf made the commitment that Pakistani territory would not be used to harbor terrorists. "I don't doubt the sincerity of the Pakistani establishment," Mukherjee stated, "but I do doubt the capability of the Pakistani establishment." He said he is under pressure, including from parliamentarians who questioned him during the December 11 session, to take some sort of military action, but said he has stated that war is not a solution. "But there has to be some deliverables" he stressed; "What signal can I give if there is no action?"

----- Suspects should be handed over to India for prosecution -----

15. (C) Mukherjee observed that India and Pakistan share a similar legal system, inherited from colonial Britain, and that Pakistan's house arrest of terrorist suspects appeared to be grounded in the government's political powers and did not constitute a legal prosecution under the Penal Code. A political detention was designed to prevent political activities, it was not the appropriate response in this case, where suspects should be subject to criminal prosecution. In a criminal case, the prosecution must present to a court prima facie evidence so that the court can decide whether to try the accused or release the person. Mukherjee stressed that the suspects in the Mumbai attacks should be handed over for prosecution in Indian courts, because the crime they are accused of took place in India.

----- Concern over who wields power in Pakistan -----

16. (S) The Pakistani system is a peculiar setup of "cycles within cycles," Mukherjee explained, which included five main power centers: the civilian government, the army, ISI, the

maulanas and jihadi groups. None of these power centers held exclusive power, and it was not apparent whether they were working together or apart, so the result was there was no constitutional or judicial order. Additionally, the competing power centers make it difficult to get Pakistan to take action on India's numerous requests. Mukherjee pointed out that there are several high-level dialogues already in place, including between foreign, defense and home secretaries, in addition to fora such as the Joint Anti-Terrorism Mechanism. Progress in these groups as well as on Composite Dialogue issues such as Sir Creek (which Mukherjee claimed India believed was resolved before the new government in Pakistan came in and determined the proposed solution was unacceptable) ebbs and flows, he said, with a result of "six inches up, eight down." Mukherjee said that he did not know who controlled ISI; the Deputy Secretary responded by saying he had just witnessed ISI Chief Pasha deferring to General Kayani at a meeting in which they were both present, a signal, he firmly believed, that ISI was accountable to the Chief of Staff of the Army.

----- Awaiting Pakistan's response -- more than just "We're considering it" -----

17. (S) Following further discussion on the Pakistani offer to send a high-level delegation led by the Foreign Minister, to which Mukherjee did not directly respond, the External Affairs Minister reiterated that India was still waiting for Pakistan to take concrete action. India had delivered a demarche on December 1, demanding the Government of Pakistan take steps against elements in Pakistan who were involved in the Mumbai attacks, but to date the only response Delhi had

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received was "We're considering it and taking it seriously," Mukherjee said. (Note: Mukherjee mentioned two demarches during the meeting, but later Americas Division Joint Secretary Gaitri Kumar confirmed for Poloff that only the December 1 demarche, which had been previously provided to us, was official. Post believes the other "demarche" Mukherjee was referring to was his November 28th phone call to Foreign Minister Qureshi where he also demanded action. End Note.) While Delhi awaited a more substantive reply, it also was disappointed with what it feels is a lack of communication from Islamabad on what steps are being taken. Mukherjee said that India's High Commission in Islamabad is receiving no official information from the Pakistani government, and that the only news it receives on actions being taken come from the media or from visiting American officials.

----- Appreciation for U.S. efforts -----

18. (S) The Deputy Secretary reiterated America's solidarity with India and our mutual interest to bring the perpetrators of terrorism to justice. Mukherjee was grateful for U.S. efforts, saying "We deeply appreciate the efforts you are taking, noting that "what little steps (Pakistan) is taking is because of you."

19. (SBU) Deputy Secretary Negroponte, s party has cleared this message.
MULFORD